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Message Text

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ORIGIN DLOS-07

INFO OCT-01 AF-05 EA-07 ISO-00 L-02 RSC-01 EUR-06 SSO-00

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DRAFTED BY: D/LOS:SHMCINTYRE
APPROVED B: D/LOS:SH MCINTYRE
L/OES:RBETTAUER
AF/E:BROGERS (PHONE)
EA/J:RDANKERT (PHONE)
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O 222110Z MAY 74
FM SECSTATE WASHDC
TO AMEMBASSY ADDIS ABABA IMMEDIATE
AMEMBASSY TOKYO IMMEDIATE

C O N F I D E N T I A L STATE 107342

FOR JOHN MOORE LOS DEL IN ADDIS ABABA

FOR BERNARD OSMAN, LOS DEL IN TOKYO

FOLLOWING REPEAT BRUSSELLS 3323 ACTION DEPT INFO BONN COPENHAGEN DUBLIN LONDON LUXEMBOURG PARIS ROME THE HAGUE BRUSSELS USUN MOSCOW NATO STOCKHOLM MAY 21ST

QUOTE

C O N F I D E N T I A L BRUSSELS 3323

E. O. 11652: GDS
TAGS: PBOR
SUBJECT: LOS: EC-9 EXPERTS' DISCUSSIONS

1. THE BELGIAN FOREIGN MINISTRY'S CHIEF ADVISOR ON LAW OF THE SEA, ALFRED VAN DER ESSEN HAS REVIEWED FOR AN EMBASSY OFFICER THE PROCEEDINGS OF THE MEETING OF THE EC-NINE LOS EXPERTS AT BONN APRIL 17-18. THE EXPERTS
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DISCUSSED SOVIET VIEWS ON LAW OF THE SEA, A BRITISH PROPOSAL

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ON THE TERRITORIAL SEA, THE GROUP OF 77 MEETING IN NAIROBI, AND PROPOSALS BY FRANCE AND GERMANY ON THE HIGH SEAS AND SCIENTIFIC RESEARCH, RESPECTIVELY. VAN DER ESSEN'S COMMENTS ON THEIR DISCUSSION OF LOS RULES OF PROCEDURE WERE REPORTED IN BRUSSELS A-108.

2. RUSSION VIEWS ON LOS. THE DANISH REPRESENTATIVE REPORTED TO THE EC-9 EXPERTS ON THE VISIT OF A SOVIET OFFICIAL NAMED ZORIN (PRESUMABLY VALERIAN ZORIN) TO DENMARK A FEW DAYS EARLIER. ACCORDING TO THE REPORT, RUSSIAN VIEWS ON LAW OF THE SEA SEEM TO BE UNDERGOING SOME CHANGES. ON STRATIS AND THE TERRITORIAL SEA, THE RUSSIANS WERE SAID TO FAVOR A 12-MILE LIMIT, FREE PASSAGE THROUGH INTERNATIONAL STRAITS, INNOCENT PASSAGE THROUGH STRAITS ADJACENT TO ONLY ONE STATE, AND RETENTION OF ANY SPECIAL ARRANGEMENTS ALREADY IN EFFECT FOR SPECIFIC STRAITS. THE FRENCH DELEGATE NOTED THAT THE SOVIET VIEW OF INNOCENT PASSAGEREMAINED UNCLEAR. HE POINTED OUT THAT THE SOVIETS HAD NEVER ACCEPTED THE PROVISION OF THE 1958 CONVENTION GRANTING WARSHIPS INNOCENT PASSAGE THROUGH TERRITORIAL WATERS. VAN DER ESSEN TOLD THE REPORTING OFFICER THAT NEVERTHELESS, HE AND THE FRENCH HAVE THE IMPRESSION THAT THE RUSSIANS MAY BE MODIFYING THEIR VIEW OF INNOCENT PASSAGE.

3. THE DANISH REPRESENTATIVE REPORTED THAT AT CARACAS THE RUSSIANS WOULD SUBMIT A TWO-POINT PROPOSAL ON FISHING: (1) ESTABLISHMENT OF A 50-MILE FISHING ZONE UNDER THE JURISDICTION OF THE COASTAL STATE, WHICH COULD TOTALLY EXPLOIT THE ZONE OR GRANT FISHING RIGHTS TO OTHER STATES IN RETURN FOR ROYALTIES (2) BEYOND 50 MILES, ESTABLISHMENT OF A 150-MILE ZONE IN WHICH THE COASTAL STATE WOULD HAVE JURISDICTION OVER CONSERVATION MEASURES BUT IN WHICH ALL STATES WOULD HAVE EQUAL FISHING RIGHTS. VAN DER ESSEN NOTED THAT THE RUSSIANS MAINTAIN THEIR TRADITIONAL VIEWS ON THE CONTINENTAL SHELF.

4. UK PROPOSAL ON TERRITORIAL SEA. THE UK REPRESENTATIVE WITH-DREW A PROPOSAL HIS GOVERNMENT HAD SUBMITTED EARLIER ON THE TERRI-TORIAL SEA, SO THAT IT COULD BE REVISED AND RESUBMITTED TO THE EC-NINE AT A LATER DATE. REVISIONS WILL REFLECT NOT ONLY THE COMMENTS OF THE EC-NINE BUT THOSE OF THE US AND SOVIET GOVERNMENTS, CONFIDENTIAL

TO WHICH THE BRITISH ALSO HAD SUBMITTED THEIR EARLIER DRAFT.

5. GROUP OF 77. THE EXPERTS EXCHANGE INFORMATION ON THE GROUP OF 77 MEETING AT NAIROBI MARCH 25-APRIL 5. ALTHOUGH THEIR INFORMATION WAS INCOMPLETE, THE EXPERTS CONCLUDED THAT THE 77 CLEARLY DO NOT FORM A COHESIVE BLOC ON LOS. THE 77 SEEMED TO HAVE AGREED ON NOTHING AT NAIROBI EXCEPT THE NEED FOR A STRONG SEA BED AUTHORITY. THE ITALIAN EXPERT REPORTED

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HOWEVER, THAT A SUBCOMMITTEE REACHED AGREEMENT TO SUPPORT FREE PASSAGE THROUGH INTERNATIONAL STRIATS. OF PARTICULAR NOTE WAS THE FACT THATTHE 77 WERE DIVDED OVER THE REPORT OF THE GROUP OF LANDLOCKED STATES WHICH HAD MET EARLIER IN KAMPALA.

6. FRENCH AND GERMAN PROPOSALS. THE GROUP RECEIVED TEXTS OF DRAFT ARTICLES ON THE HIGH SEAS PROPOSED BY THE FRENCH, TO "PROVOKE THOUGHT", AND A GERMAN PROPOSAL ON SCIENTIFIC RESEARCH AND TRANSFER OF MARINE TECHNOLOGY. VAN DER ESSEN SAID THAT THE EC-NINE EXPERTS IN GENERAL FAVORED LIBERAL RULES FOR SCIENTIFIC RESEARCH AS PROPOSED IN THE GERMAN DRAFT ARTICLES, BUT THAT HE AND MOST OTHERS AT THE BONN MEETING HAD FELT THAT ANY ARTICLES MUST PROVIDE FOR THE COASTAL STATE AT LEAST TO BE CONSULTED BEFORE SUCH RESEARCH IS UNDERTAKEN. MOST EC-9 EXPERTS ALSO FELT THAT THE GERMAN PROPOSAL'S DEFINITION OF THE SEA AS "THE WATER, THE SEABED, AND THE SUBSOIL THEREOF, AS WELL AS THE AIR ABOVE" WAS FAR TOO BROARD.

7. TEXTS OF THE FRENCH AND GERMAN PROPOSALS ARE BEING POUCHED TO THE DEPARTMENT (D/LOS), PARIS, AND BONN. STRAUSZ-HUPE UNQUOTE RUSH

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: LAW OF THE SEA, INTERNATIONAL WATERS, TERRITORIAL SEA LIMIT, INNOCENT PASSAGE, SEABED, AGREEMENT DRAFT, FISHING RIGHTS, LANDLOCKED COUNTRIES, STRAI TS, FISHING LIMITS
Control Number: n/a
Copy: SINGLE
Draft Date: 22 MAY 1974
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: golinofr
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1974STATE107342
Document Source: CORE
Document Unique ID: 00
Drafter: D/LOS:SHMCINTYRE
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D740128-0313
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1974/newtext/t19740526/aaaaawji.tel
Line Count: 138
Locator: TEXT ON-LINE, ON MICROFILM
Office: ORIGIN DLOS
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators:
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: golinofr
Review Comment: n/a
Review Content Flags:
Review Date: 02 APR 2002
Review Event:
Review Exemptions: n/a
Review History: RELEASED <02 APR 2002 by boyleja>; APPROVED <12 JUN 2002 by golinofr>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: LOS: EC-9 EXPERTS' DISCUSSIONS
TAGS: PBOR, SENV, ET, UR, FR, IT, LOS, (VAN DER ESSEN, ALFRED)
To: ADDIS ABABA TOKYO
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005

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